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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/774,482 | 02/10/2004 | Karl deGroot | 02-1586 | 8937 |

7590 12/22/2006
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| EXAMINER |
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HWANG, VICTOR KENNY

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| ART UNIT | PAPER NUMBER |
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3764

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE | DELIVERY MODE |
|--|------------|---------------|
| 3 MONTHS | 12/22/2006 | PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/774,482

Applicant(s)

DEGROOT, KARL

Examiner

Victor K. Hwang

Art Unit

3764

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☒ Claim(s) 1 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION***Claim Objections***

1. Claim 1 is objected to because of the following informalities: on line 4, the recitation "weigh" presumably should be changed to --weight--. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 3 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by *Schuur* (US Pat. 1,524,888). *Schuur* discloses a dumbbell comprising a handle 1 having an elongated central portion with opposite first and second ends. First and second flanges 3 are formed on the first and second ends. First and second weights 4 are attached to respective first and second flanges 3 and have recesses 7 dimensioned and configured to receive the respective flanges. Each flange 3 has a peripheral edge, an outward flat face and an external rim extending peripherally around the flange. Each weight 4 has an inner flat wall in the recess that abuts the flat face of a respective flange 3. Each weight 4 has an internal rim extending peripherally around the recess to abut the external rim of a respective flange 3.

The central portion, flanges and weights each have a longitudinal axis that are all coaxially aligned with one another. The external rim of the flanges and the inner rim of the weights extend parallel to the longitudinal axis of the flanges and the weights. The flat face of

each flange and the flat surface of each weight is perpendicular to the longitudinal axis of the flanges and the weights. The internal rim of the weights and the rim of the flanges are perpendicular to the inner flat surface of the weights and the outwardly facing flat surface of the flanges.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2 and 5-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Schuur* (US Pat. 1,524,888) in view of *Pruchnik* (US Pat. 5,871,423). *Schuur* has been discussed above, and such discussion is incorporated herein. *Schuur* discloses the invention as claimed except for a plurality of bolts positioned along the peripheral edge of each flange to attach each flange to its respective weight (claims 2, 10 and 18).

Pruchnik discloses a dumbbell 10 (Fig. 5) comprising a handle 12 having an elongated central portion with opposite first and second ends, and first and second flanges formed respectively on the first and second ends. First and second weights 14,58 are attached to each respective flange by a plurality of bolts 64 positioned along the peripheral edge of the respective flanges. The bolts connect the handle 12 to the weight sections 14,58 (col. 5, lines 14-18).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the flanges of *Schuur* with a plurality of bolts along their

peripheral edges, since *Pruchnik* teaches that bolts along the peripheral edges of a flange can connect the ends of a handle to respective weight sections.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


Calvert (US Pat. 702,356), *Massa* (US Pat. 2,719,038) and *Papistas-Scherer* (US Pat. 3,488,051) disclose weighted exercise devices comprising handles with a flange attached to the weights by peripheral bolts.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor K. Hwang whose telephone number is (571) 272-4976. The examiner can normally be reached Monday through Friday from 7:30 AM to 4:00 PM Eastern time.


The facsimile number for submitting papers directly to the examiner for informal correspondence is (571) 273-4976. The facsimile number for submitting all formal correspondence is (571) 273-8300.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jackie Ho can be reached on (571) 272-4696.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Victor K. Hwang
December 19, 2006



(JACKIE) TAN-UYEN HO
PRIMARY EXAMINER
12/20/06